REMARKS

I.   INTRODUCTION

Claims 1-11 remain pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

In the introductory sentence of the second paragraph of the Detailed Action of the Office Action, the Examiner initially indicated that claims 1, 2, 5-9 have been rejected under 35 U.S.C. § 102(e). (See 12/07/06 Office Action, p. 2, ¶ 2). However, within the body of the second paragraph, the Examiner's arguments are addressed to claims 1-3 and 7-11. (See Id.). Furthermore, the Examiner subsequently indicates and argues that claims 4-6 are rejected under 35 U.S.C. § 103(a). (See Id., p. 3, ¶ 4). Accordingly, Applicant will proceed with this response under the assumption that claims 1-3 and 7-11 stand rejected under 35 U.S.C. § 102(e), and that claims 4-6 stand rejected under 35 U.S.C. § 103(a).

II.   THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-3 and 7-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0188841 to Jones ("Jones"). (See Id., p. 2, ¶ 2). Claim 1 recites, a "method of controlling communication of content information from a sender to a receiver via a data network, the method comprising verifying with a plurality of sources throughout the data network *whether the content information is available from at least one of the sources other than the sender*; contacting a search engine if the content information is available from the at least one source, wherein the search engine determines a location within the data network of the at least one source of the content information and returns an updateable index listing each of the sources of a copy of the content information; and substituting for the content

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information a pointer to the location of the at least one source based on the updateable index of sources returned by the search engine." (Emphasis added).

Jones generally relates to systems and methods of performing digital asset management of media content. (See Jones, Abstract). Specifically, Jones discloses systems and processes for content searching and indexing that employ embedded watermark data in combination with other mechanisms for identifying and indexing multimedia content. (See Id., p. 3, ¶ [0035]). The processes use a combination of web searching technology with Peer-to-Peer file sharing technology. (See Id., p. 4, ¶ [0038]). As described in the Jones disclosure, Peer-to-Peer file sharing systems allow for "users to share files directly between their computers, with a central database or a distributed database that is passed from computer to computer." (See Id., p. 4, ¶ [0038]). Accordingly, Peer-to-Peer files sharing systems allow for content to be shared on the system, wherein one user of the system (i.e., a first peer) is the source of the content and sends the content to another user of the system (i.e., a second peer), namely the receiver of the content. The Jones disclosure goes on to state that the combination uses web crawlers that run locally on numerous remote networks, domains, or computers to location information on the sources. (See Id., p. 4, ¶ [0038]). In addition, watermark detectors are used to extract watermarks such as content identifiers and content type tags. (See Id.) Therefore, the web crawlers run locally on the source of the content to report back to a database, and the watermark detector determines if the content at this source contains content identifiers and/or content tags. Thus, since the content source of a Peer-to-Peer network is the content sender, the web crawlers and watermark detectors of the Jones disclosure are searching through *the content of the sender within the network.* In other words, the source of the content in the Peer-to-Peer network of the Jones disclosure is the sender of the content and the user entering the search criteria is the

receiver of the content. This method is decidedly separate and distinct from the method recited in claim 1 of the present invention.

The method recited in claim 1 refers to controlling communication of content information from a sender to a receiver via a data network. In contrast to the Jones disclosure, claim 1 of the present invention verifies whether the content information is available from at least one source *other than the sender*. This is not the case in the Peer-to-Peer file-sharing network described in the Jones disclosure. As stated above, the web crawlers and watermark detectors of Jones search for content at the sources to determine the availability of content at each source. However, the sources that are searched, according to Jones, *are* the senders of the content. This limitation teaches away from the overall purpose of the present invention. For example, it would be possible to determined whether or not an attachment is a well-known piece of content that is available from many sources *other than the sender of the content*. (See Specification, p. 1, ¶ 003). However, according to Jones, the source of content on the Peer-to-Peer file-sharing network is the sender and the web crawlers and watermark detectors determine the availability of the content at the sender.

It is respectfully submitted that disclosure of Jones fails to teach or suggest, a "method of controlling communication of content information from a sender to a receiver via a data network, the method comprising verifying with a plurality of sources throughout the data network *whether the content information is available from at least one of the sources other than the sender*; contacting a search engine if the content information is available from the at least one source, wherein the search engine determines a location within the data network of the at least one source of the content information and returns an updateable index listing each of the sources of a copy of the content information; and substituting for the content information a pointer to the

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location of the at least one source based on the updateable index of sources returned by the search engine," as recited in claim 1. As claims 2-3 and 9 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that claims 2-3 and 9 are also allowable.

The Examiner rejected claim 7 for the same reasons as the rejection of claim 1 as being anticipated by Jones. (See 12/07/06 Office Action, p. 2, ¶ 2). Claim 7 recites, "...verifying with a plurality of sources throughout a world wide web *whether an attachment to a specific email to be sent by a user via the world wide web is available from at least one of the sources on the world wide web*, contacting a search engine if the attachment is available from the at least one source, wherein the search engine determines a location within the world wide web of the at least one source of the attachment and returns an updateable index listing each of the sources of a copy of the attachment, and substituting for the attachment a pointer to the location of the at least one source based on the updateable index of sources returned by the search engine." (Emphasis added). Therefore, Applicant respectfully submits that claim 7 is allowable for at least the reasons discussed above with regard to claim 1. As claim 10 depends from, and therefore includes all the limitations of claim 7, it is hereby submitted that claim 10 is also allowable.

The Examiner rejected claim 8 for the same reasons as the rejection of claim 1 as being anticipated by Jones. (See Id., p. 2, ¶ 2). Claim 8 recites, "...verifying with a plurality of sources throughout a data network *whether a file to be sent by a user via the data network is available from at least one of the sources on the data network independent of the user*, contacting a search engine if the file is available from the at least one source, wherein the search engine determines a location within the data network of the at least one source of the file and returns an updateable index listing each of the sources of a copy of the file, and substituting for

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the file a pointer to the location of the at least one source based on the updateable index of

sources returned by the search engine." (Emphasis added). Therefore, Applicant respectfully

submits that claim 8 is allowable for at least the reasons discussed above with regard to claim 8.

As claim 11 depends from, and therefore includes all the limitations of claim 8, it is hereby

submitted that claim 11 is also allowable.

III.   THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jones in

view of Beck and further in view of U.S. Patent No. 6,327,656 to Zabetian ("Zabetian"). (See

12/07/06 Office Action, p. 3, ¶ 4). As discussed above, Jones does not teach or suggest all the

limitations of independent claim 1. It is respectfully submitted that Zabetian is insufficient to

cure the above-stated deficiencies of Jones. Because claims 4-6 depend from, and, therefore

include all the limitations of claim 1, it is respectfully submitted that claims 4-6 are allowable for

the reasons stated above with reference to claim 1.

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CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending

claims are in condition for allowance. All issues raised by the Examiner having been addressed.

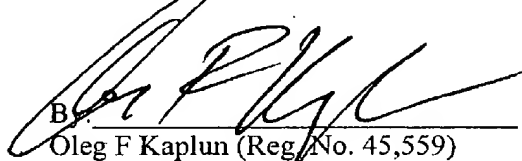An early and favorable action on the merits is earnestly solicited.

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